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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,089	11/13/2001	Dan H. Nowlin	42390.P12911	4764
7590	05/16/2006		EXAMINER PEACHES, RANDY	
Peter Lam BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026			ART UNIT	PAPER NUMBER
			2617	
			DATE MAILED: 05/16/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/991,089	Applicant(s) NOWLIN ET AL.	
	Examiner Randy Peaches	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 19-35 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-12 and 19-35 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/5/06 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. ***Claims 1-4, 6-12 and 19-35*** are rejected under 35 U.S.C. 102(e) as being anticipated by Parry (U.S. Patent Publication 2002/0128041 A1).

Regarding ***claim 1***, Parry discloses in paragraphs [0021 and 0027, a method comprising:

- a first instance of a software program resident and operating on a first machine executing in coordination with a second instance of the software program resident and operating on a second machine to; (See paragraph [0026])
- receive a wireless request at a switching device, which reads on claimed "first computing device", having software to perform as a switching mechanism, (see paragraph [0025]), to switch control of a device to a one or more computing devices , which reads on claimed "second machine";
- relinquish control of said device at said first machine. See paragraph [0032].
- transfer data, which reads on claimed "token", from said switching device to said second machine one or more computing devices – based on user choice. See paragraph [0010]; and
- establish wireless control of said device at said second machine. See column [0032].

Regarding **claim 2**, according to **claim 1**, Parry further teaches in paragraph [0032] terminating wireless transmissions of commands and data between computer B, which reads on claimed "first machine"(hereinafter referenced as first machine) and said device.

Regarding **claim 3**, according to **claim 2**, Parry further teaches in paragraph [0032] initiating wireless transmissions of commands and data between computer F, which

reads on claimed "second machine" (hereinafter referenced as second machine) and said device.

Regarding **claim 4**, according to **claim 3**, Parry further teaches in paragraph [0010], said data represents a control key to indicate control ownership of said device.

Regarding **claim 6**, according to **claim 5**, Parry teaches in paragraph [0032] and claim 16, wherein said device is an input/output (I/O) device having capability for wireless communication.

Regarding **claim 7**, according to **claim 6**, Parry discloses in paragraph [0024] wherein said wireless transmissions and said wireless communication comply with Blue-tooth wireless protocol.

Regarding **claim 8**, according to **claim 7**, Parry discloses in paragraph [0032], wherein said first machine is a first computer and said second machine is a second computer.

Regarding **claims 9-11**, according to **claim 8**, Parry discloses in paragraphs [0023, 0029] and claims 11-15, wherein said I/O device is a keyboard, mouse and a graphical display.

Regarding **claim 12**, according to **claim 6**, Parry discloses in paragraph [0029], wherein communications between said first machine, said second machine, and said devices are wireless and lack the presence of cable connections.

Regarding **claim 19**, Parry discloses a system comprising:

- a keyboard, mouse and a graphical display, hereinafter referenced as peripherals, which reads on claimed "wireless input/output device". See paragraph [0023
- said peripherals to be controlled through wireless signals; See paragraphs [0023, 0029].
- a first computer capable of wireless communication, as referenced in paragraph [0032]
- said first computer to have control of said wireless I/O device as referenced in paragraph [0029]; and
- a second computer capable of wireless communication as referenced in paragraph [0032],
- said second computer to acquire control of said wireless I/O device upon a request to switch control. See paragraphs [0029 and 0032]

Regarding **claim 20**, according to **claim 19**, Parry discloses wherein said first computer transmits and receives commands and data with said peripherals while said first computer is in control of said peripheral. See paragraph [0029].

Regarding **claim 21**, according to **claim 20**, Parry discloses wherein control of said first computer transmits data, which reads on claimed "token" to said second computer when said request to switch control is received at said first computer. See paragraph [0032]

Regarding **claim 22**, according to **claim 21**, Parry discloses wherein second computer takes control of said wireless I/O device when said token is received at said second computer.

Regarding **claim 23**, according to **claim 22**, Parry discloses wherein said first computer gives up control of said peripheral when said request to switch control is received at said first computer. See paragraphs [0029 and 0032].

Regarding **claim 24**, Parry discloses in paragraphs [0025 and 0026] switching device comprising a processor therein, which reads on claimed "machine readable medium", having embodied therein a software or firmware, which reads on claimed "a computer program", said software or firmware being executable by a first machine and a second machine respectively to perform a method comprising:

- receiving a wireless request at a switching device, which reads on claimed "first machine", to switch control of a device to a one or more computing devices , which reads on claimed "second machine";

- relinquishing control of said device at said first machine. See paragraph [0032].
 - transferring data, which reads on claimed "token", from said switching device to said second machine one or more computing devices – based on user choice.
- See paragraph [0010].

Regarding **claim 25**, as claim in **claim 24**, Parry discloses in paragraphs [0025 and 0026] a switching device comprising a processor wherein receiving a wireless request to take control of said device. See paragraph [0028].

Regarding **claim 26**, as claim in **claim 25**, Parry discloses in paragraphs [0025 and 0026] switching device comprising a processor wherein receiving said data, as disclosed in paragraph [0023], after receiving said wireless request to take control.

Regarding **claim 27**, as claim in **claim 26**, Parry discloses in paragraphs [0025 and 0026] switching device comprising a processor wherein assuming control of said device after receiving said data. See paragraph [0023].

Regarding **claim 28**, as claim in **claim 27**, Parry discloses in paragraphs [0025 and 0026] switching device comprising a processor wherein wirelessly transmitting data and commands to peripherals, which reads on claimed "wireless I/O device" while controlling said peripherals. See paragraphs [0023 and 0029].

Regarding **claim 29**, as claim in **claim 28**, Parry discloses in paragraphs [0025 and 0026] switching device comprising a processor wherein said transferring of said data comprises sending a wireless transmission to said first machine. See paragraphs [0023 and 0029].

Regarding **claim 30**, Parry discloses a system, comprising:

- at least one wireless keyboard. See paragraph [0023];
- a plurality of computing devices, each of which includes an internal switch mechanism to pass control of the peripheral device to another of the computing devices responsive to a user selection. Parry discloses in paragraph [0026] wherein the switching function can be implemented via software, firmware or combination thereof, thus allowing the switching function to internal to the computing device.
- the computing devices further to receive the user selection from a wireless device, wherein the wireless device is of a group comprising the wireless peripheral device and the plurality of computing devices, wherein said group does not include a physical switchbox. See paragraph [0023], wherein if the switch is internal to the computing device, there will not be a need for a separate switch box.

Regarding **claim 31**, as claimed in **claim 30**, Parry continues to disclose wherein the computing device are further to receive the user selection directly from the said wireless peripheral. See paragraph [0026].

Regarding **claim 32**, as claimed in **claim 30**, Parry discloses wherein the group further includes a second wireless peripheral device. See paragraph [0023].

Regarding **claim 33**, as claimed in **claim 30**, Parry discloses wherein the said computing devices are further to receive the user selection directly from the second said peripheral device. See paragraph [0023].

Regarding **claim 34**, according to **claim 30**, Parry continues to disclose wherein, each computing device is further to accept control of the peripheral device from another of the said computing device in response to a communication from the other computing device over a wireless communication link. See paragraph [0024].

Regarding **claim 35**, according to **claim 30**, Parry continues to disclose wherein the said wireless device is a wireless keyboard. See paragraph [0023].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 5 and 13-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Parry (U.S. Patent Publication 2002/0128041 A1) in view of Wu et al (U.S. Patent Publication 2003/0083056 A1).

Regarding **claim 5**, according to **claim 4**, Parry further teaches in paragraph [0010], said data represents a control key to indicate control ownership of said device.

However, Parry does not disclose wherein said wireless request is generated upon input of a predetermined key combination.

Wu et al teaches in paragraph [0020] of a key input (S1) that generates a command for use by the wireless device.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to modify Parry (U.S. Patent Publication 2002/0128041 A1) to include Wu et al (U.S. Patent Publication 2003/0083056 A1) in order to disclose a key operable to initiate a wireless request for determination.

Regarding **claim 13**, Parry discloses a method for initializing a wireless control switching comprising:

- searching for a computing device to share control of said wireless I/O device.

See paragraph [0029]; and

- initializing said machine for sharing control of said wireless peripheral. See paragraphs [0031, 0032].

However, Parry does not disclose initializing a wireless transceiver after searching for a wireless input/output (I/O) device and assuming control of said wireless I/O device.

Wu et al discloses a method for initializing a wireless receiving device, which reads on claimed "wireless control switching" comprising:

- initializing an interface circuit, which reads on claimed "wireless transceiver" as taught in paragraph [0033];
- searching and memorizing an identity for a wireless emitting devices, which reads on claimed "input/output (I/O) device". See paragraphs [0017 and 0039];
- initializing said wireless emitting devices. See paragraph [0020];
- assuming control of said wireless emitting devices. See paragraph [0020];

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Parry (U.S. Patent Publication 2002/0128041 A1) to include Wu et al (U.S. Patent Publication 2003/0083056 A1) in order to defined an additional feature of the said wireless switching device that searches and controls wireless peripherals identified by the received incoming signals.

Regarding **claim 14**, as the above combination of Parry (U.S. Patent Publication 2002/0128041 A1) and Wu et al (U.S. Patent Publication 2003/0083056 A1) are made, the combination according to **claim 13**, wherein Wu et al teaches in paragraphs [0023-0028 said searching for said wireless emitting devices and for said computing device

comprises transmitting wireless signals from said transceiver and waiting for wireless responses. See Wu et al paragraph [0020].

Regarding **claim 15**, as the above combination of Parry (U.S. Patent Publication 2002/0128041 A1) and Wu et al (U.S. Patent Publication 2003/0083056 A1) are made, the combination according to **claim 14**, Parry teaches in paragraph [0025] of the said switching device comprising storing device information for said wireless I/O device.

Regarding **claim 16**, as the above combination of Parry (U.S. Patent Publication 2002/0128041 A1) and Wu et al (U.S. Patent Publication 2003/0083056 A1) are made, the combination according to **claim 15**, Parry teaches in paragraphs [0025 and 0027] of the said switching device storing configuration information for said computing device.

Regarding **claim 17**, as the above combination of Parry (U.S. Patent Publication 2002/0128041 A1) and Wu et al (U.S. Patent Publication 2003/0083056 A1) are made, the combination according to **claim 16**, Parry teaches in paragraph [0010] wherein owner of said data has control of said computing device.

Regarding **claim 18**, as the above combination of Parry (U.S. Patent Publication 2002/0128041 A1) and Wu et al (U.S. Patent Publication 2003/0083056 A1) are made, the combination according to **claim 17**, Parry teaches in paragraph [0010] wherein said data is transferred to said computing device, which reads on claimed "machine", when

control of said peripheral is transferred to said computing device.

Response to Arguments

Applicant's arguments filed 8/23/2004 have been fully considered but they are not persuasive.

Regarding ***claims 1-12 and 19-35***, the Applicant renders the argument the Examiner's reference of Parry fails to provide sufficient support as to the elements claimed in the invention. The Examiner maintains that Parry's paragraph [0026], wherein is states that the method described within can be implemented in any suitable manner i.e., hardware, software, firmware or a combination thereof. Therefore, the Examiner has interpreted this language to state that Parry indeed, is able to implement the switching function into a computing device, thereby, alleviating the need for a separate switch box.

Therefore, accordingly, ***claims 1-12 and 19-35*** stand rejected.

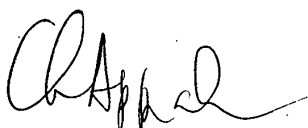
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Randy Peaches
May 10, 2006


CHARLES APPIAH
PRIMARY EXAMINER